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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE LUIS HERNANDEZ GONZALEZ,

Defendant.

CASE NO. 1:21-CR-00114-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 20, 2023
TIME: 1:00 p.m.
COURT: Hon. Jennifer L. Thurston

BACKGROUND

This case is set for change of plea hearing on June 20, 2023. By this stipulation, defendant now moves to continue the change of plea hearing until **July 10, 2023, at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case is voluminous and includes thousands of pages of documents including investigative reports and photographs as well as large media files including hours of recorded calls, large cell phone extractions, social media account search warrant returns, and other items. All this discovery has been either produced directly to counsel and/or made available for inspection and copying.

Moreover, the government is still receiving discovery from the investigative agency and will continue to provide that supplemental discovery on a rolling basis.

b) The government has presented the Defendant with a plea agreement and the defendant has signed the plea agreement. Defense counsel now has a scheduling conflict for the previously scheduled change of plea date and needs the additional time to be available and to prepare him and his client for the change of plea hearing.

c) The defendant also needs the additional time to arrange certain personal affairs. Defense counsel represents that Defendant's young daughter has eye cancer and the defendant is the primary caretaker and transporter of his daughter to the doctor's office for medical appointments.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) An ends-of-justice delay is particularly apt in this case because the defendant is not detained pending trial.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 20, 2023 to June 12, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

2. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

1 IT IS SO STIPULATED.

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4 Dated: June 14, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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9 Dated: June 14, 2023

/s/ Mark Coleman
Mark Coleman
Counsel for Defendant
Jorge Luis Hernandez Gonzalez

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14 **ORDER**

15 IT IS SO ORDERED.

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17 Dated: June 15, 2023

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THE HONORABLE JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE